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E.O. 12958: DECL: 12/11/2018

TAGS: MTCRE PARM PREL UP

SUBJECT: DIPLOMATIC NOTE ADDING THE STATE DEPARTMENT TO
THE 1993 CTR UMBRELLA AGREEMENT

REF: A. STATE 111716
1B. KYIV 002339

Classified By: EUR/PRA Director Anita Friedt.
Reasons 1.4 (b) and (D)

¶1. (U) This is an action request. Please see para 3.

¶2. (C) Background: The November 18 U.S.-Ukraine missile destruction talks in Kyiv provided an opportunity to exchange information and review next steps for moving forward to eliminate Ukraine's SCUD missiles and related equipment (Ref B). One element of this process is to add the Department of State as an Executive Agent to the Agreement Between the United States of America and Ukraine Concerning Assistance to Ukraine in the Elimination of Strategic Nuclear Arms, and the Prevention of Proliferation of Weapons of Mass Destruction dated October 25, 1993. After consulting with the Ukrainian Embassy in Washington and the Ministry of Foreign Affairs, we now understand that Ukraine is amenable to our proposal and has request we send our diplomatic note adding the State Department as an Executive Agent. This will allow the State Department to do this project under the CTR umbrella agreement and get the "hold harmless" claims provisions, VAT exemptions, etc.

¶3. (C) Action Request: Department requests that Embassy Kyiv pass the following diplomatic note (para 4) to the Ministry of Foreign Affairs the diplomatic note , which was cleared sep.

¶4. (SBU) Text of Diplomatic Note:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Ukraine and has the honor to refer to the Agreement Between the United States of America and Ukraine Concerning Assistance to Ukraine in the Elimination of Strategic Nuclear Arms, and the Prevention of Proliferation of Weapons of Mass Destruction dated October 25, 1993, as amended and extended (the Agreement).

Pursuant to Article II of the Agreement, the Government of the United States of America notifies Ukraine that it designates the Department of State of the United States of America as an additional Executive Agent to assist in the destruction or demilitarization of missile systems and associated equipment, materials, and components.

The Embassy also wishes to express the understanding of the United States of America that the provisions of the Agreement apply to the proliferation of those missile systems capable of launching a weapon of mass destruction. The Embassy requests the Ministry of Foreign Affairs to confirm in the Ministry's reply to this note that Ukraine shares this understanding.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurances of its highest consideration.

End Diplomatic Note Text

¶5. (U) Department appreciates Embassy's assistance Please fax (202-647-6039) or send a scanned copy of the outgoing diplomatic note to EUR/PRA, attn: Matt Hardiman. Slug any response from Ukraine to ISN/MTR, ISN/NDF, and EUR/PRA.
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